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Docket No. 4952-107 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Jurgen FLACH	:	Customer No. 26817
Serial No. 10/522,501	:	Group Art Unit: 3634
Filed: January 26, 2005	:	Examiner: Michael J. KELLER
Title: SYSTEM FOR OPENING AND/OR CLOSING A DOOR	:	Confirmation No. 7571

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action dated May 11 2009, please amend the above-identified application as follows:

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in this Application:

Listing of Claims:

1. (Canceled).
2. (Canceled).
3. (Canceled).
4. (Canceled).
5. (Canceled).
6. (Canceled).
7. (Canceled).
8. (Canceled).
9. (Canceled).
10. (Canceled).
11. (Canceled).
12. (Canceled).
13. (Canceled).
14. (Canceled).
15. (Canceled).
16. (Canceled).
17. (Currently amended) The system as recited in claim 33 wherein said code setting device comprises jumpers for programming in the code setting device the sequence of light pulses and the length of the light pulses for activation.
18. (Currently amended) The system as recited in claim 33 wherein said code setting device comprises DIP switches for programming in the code setting device the sequence of light pulses and the length of the light pulses for activation.
19. (Canceled).

20. (Previously presented) The system as recited in claim 33 further comprising an independent battery power source.

21. (Canceled).

22. (Canceled).

23. (Canceled).

24. (Canceled).

25. (Canceled).

26. (Previously presented) The system as recited in claim 33 wherein said transmitting unit is mounted on the door.

27. (Canceled).

28. (Canceled).

29. (Canceled).

30. (Canceled).

31. (Canceled).

32. (Canceled).

33. (Currently amended) A system for opening and/or closing a door with a door drive comprising:

a transmitter unit which includes a light sensor, said transmitter unit can be activated by a predetermined sequence of light signals of predetermined length within a predetermined time period detected by the light sensor;

a receiver unit connected to the door drive, said receiver unit receives a coded control signal from the transmitter unit,

wherein the transmitter unit includes a wireless transmitter for transmission of the coded control signal to the receiver unit and the transmitter unit includes a programmable code setting device by means of which the sequence of light pulses and the length of the light pulses for activation can be programmed and changed.

34. (Previously presented) The system of claim 33 wherein the light signals are generated by a headlamp of a motor vehicle.

35. (Previously presented) The system of claim 33 wherein the light sensor is a photodiode.

36. (Currently amended) A transmitter unit for transmission of a coded control signal to receiver unit, said transmitter unit which includes a light sensor, said transmitter unit can be activated by a predetermined sequence of light signals of predetermined length within a predetermined period of time detected by the light sensor;

said transmitter unit includes a wireless transmitter for transmission of the coded control signal to the receiver unit and the transmitter unit includes a programmable_code setting device by means of which the sequence of light pulses and the length of the light pulses for activation can be programmed and changed.

REMARKS

The Office Action dated May 11, 2009 has been carefully considered. Claims 33 and 36 have been amended. Claims 17, 18, 20, 26 and 33-36 are in this application.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 2,968,790 to Carbonara in combination with U.S. Patent No. 7,167,076 to Wilson. Applicant submits that Carbonara and Wilson do not teach each of the features of the present claims.

The Examiner indicated that Cabonara teach that a predetermined sequence of light signals and predetermined length are programmed by designing and manufacturing the lock disc with spaced tongues. Accordingly, in Carbonara, the programming of the series of timed pulses over a short space of time is done at the car. In contrast, in the present invention, the programming is done at the transmitter unit. As defined by the present claims, the transmitter unit includes a programmable code setting device by means of which the sequence of light pulses and the length of the light pulses for activation can be programmed and changed. In the present invention, user operated headlamp flashes given with certain range of frequency in a certain time period are read by a detector which stimulates a wireless transmitter to open the garage door. The signal from the headlamps can trigger the detector simply by flashing their headlamps correctly within the time window. The transmitter includes a programmable code setting device to program the sequence of light pulses and the length of the light pulses for activation and changing the sequence of light pulses and length of time of the light pulses In contrast, Cabonara teaches spaced tongues are used to determine a sequence of light signals. Accordingly, the transmitted code needs to be fulfilled exactly to activate the Cabonara system. In contrast, in the present invention, even light pulses which are slightly different to one another in timing are able to activate the unit, if they fit within the set time window.

Furthermore, as defined by the present claims, the transmitter unit includes programmable code to program and change the sequence of light pulses and the length of the light pulses. There is no teaching or suggestion in Cabonara of changing a sequence of light

pulses and the length of the light pulses at a transmitter unit. Rather, Cabonara teaches away from the present invention by teaching a lock disc with spaced tongues which could not be changed for changing the sequence of light pulse and length of light pulses without substantial manufacturing of a new lock disc with spaced tongues.

The Examiner indicated that Wilson teach a transmitter unit activated by light signals or a programmable code setting device, as these limitations are taught by Carbonara. Further, the Examiner indicated that Wilson does teach a wireless transmitter 26 which transmits a signal 32 to a door drive 38 (Col. 4, lines 38-47). Applicants agree with the Examiner that in contrast to the invention defined by the present claims, Wilson does not teach or suggest a transmitter unit which is activated by a predetermined sequence of light signals of a predetermined length within a predetermined period of time and wireless transmission of a coded signal from the transmission unit to the receiver unit. Further, Wilson does not teach or suggest the transmitter unit includes programmable code to program and change the sequence of light pulses and the length of the light pulses. Accordingly, Wilson does not cure the deficiencies of Carbonara noted above. Accordingly, the invention defined by the present claims is not obvious in view of Carbonara in combination with Wilson.

The previously presented claims 17 and 18 were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 2,968,790 to Carbonara in combination with U.S. Patent No. 7,167,076 to Wilson and U.S. Patent No. 5,978,483 to Thompson et al.

The Examiner indicated that Thompson is cited in order to show that it was known in the art to use DIP switches or jumpers to program a code to be transmitted from a remote transmitter to a receiver. Thompson et al. use DIP setting switches to set an ID code. Thompson et al. do not teach or suggest that a DIP switch is used for programming a code setting device to set the predetermined sequence of light signals of a predetermined length. Applicants submit that one of ordinary skill in the art would not be motivated to combine Thompson et al. directed to setting an ID code in a remote keyless entry with Carbonara directed to an electric lock to operate a garage door and it is only in hindsight that the Examiner can combine these references.

Accordingly, Thompson et al. is unrelated to the invention defined by the present claims and the invention defined by the present claims are not obvious in view of Carbonara in combination with Wilson and Thompson et al.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: July ____, 2009

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